

FENWICK & WEST LLP
ATTORNEYS AT LAW
SAN FRANCISCO

LAURENCE F. PULGRAM (CSB No. 115163)
lpulgram@fenwick.com
ALBERT L. SIEBER (CSB No. 233482)
asieber@fenwick.com
LIWEN A. MAH (CSB No. 239033)
lmah@fenwick.com
FENWICK & WEST LLP
555 California Street, 12th Floor
San Francisco, CA 94104
Telephone: (415) 875-2300
Facsimile: (415) 281-1350

PATRICK E. PREMO (CSB NO. 184915)
ppremo@fenwick.com
DENNIS M. FAIGAL (CSB NO. 252829)
dfaigal@fenwick.com
FENWICK & WEST LLP
Silicon Valley Center
801 California Street
Mountain View, CA 94041
Telephone: (650) 988-8500
Facsimile: (650) 938-5200

Attorneys for Plaintiff SUCCESSFACTORS, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

SUCCESSFACTORS, INC., a Delaware corporation,

Plaintiff,

v.

SOFTSCAPE, INC., a Delaware corporation,
and DOES 1-10, inclusive,

Defendants.

Case No. CV 08 1376 CW

**DECLARATION OF PATRICK E. PREMO IN
SUPPORT OF SUCCESSFACTORS, INC.'S
REPLY MEMORANDUM IN SUPPORT OF
EXPEDITED DISCOVERY**

Date: March 27, 2008
Time: 2:00 p.m.
Courtroom: 2
Judge: Hon. Claudia Wilken

Date of Filing: March 11, 2008
Trial Date: No date set

///

///

1 I, Patrick E. Premo, declare as follows:

2 1. I am a partner with the law firm of Fenwick & West LLP, counsel to Plaintiff
3 SuccessFactors, Inc. I am an attorney admitted to practice before this Court. I submit this
4 declaration in support of SuccessFactors' Reply Memorandum in Support of Expedited
5 Discovery. I have personal knowledge of the matters set forth herein and, if called upon, could
6 and would testify competently thereto.

7 2. Based on admissions and concessions made in Softscape's Opposition to the Order
8 to Show Cause and Motion for Expedited Discovery (Dkt. No. 34), I have further narrowed the
9 expedited discovery being sought on behalf of our client, eliminating seven (7) out of fifteen (15)
10 document requests and four (4) deposition topics.

11 3. Attached as Exhibit 1 is a true and correct copy of SuccessFactors' proposed
12 amended 30(b)(6) notice of deposition. I eliminated original Topic Nos. 2, 3, 7, and 10. Attached
13 as Exhibit 2 is a true and correct copy of SuccessFactors' Amended Request for Production of
14 Documents. I eliminated original Request Nos. 2, 3, 6, 7, 10, 11, and 13. The remaining topics
15 and document requests are otherwise the same.

16 4. SuccessFactors no longer believes the eliminated topics or requests are necessary
17 for *expedited* discovery, based on representations by Defendant that it authored the Presentation
18 at issue and in light of the fact that Defendant does not appear to dispute that the Presentation
19 contains false information.

20 5. Based on review of IP addresses and SuccessFactors' Citrix records, I have reason
21 to believe persons attending Citrix web-based sales meetings on February 19, and 21, 2008, have
22 relevant information or information that will lead to the discovery of admissible evidence. These
23 potential witnesses include Ely Valls, the purported owner of New Millenium Shoe, which was
24 originally identified as a business in San Juan, Puerto Rico, and her purported consultant, Javier
25 Cruz. The expedited discovery includes requests and topics directed to information relating to the
26 witnesses' involvement in two sales demos.

27 6. I accessed the website for "New Millenium Shoe" at
28 www.newmilleniumshoe.com. The website includes no names other than "Rafael." It includes

1 the following phone number: 787.767.1766. On March 14, 2008, I called the number at least
2 twice. It appears to be a fax line.

3 7. On March 14, 2008, I did a reverse phone search and received two reports that
4 showed the number belonging to Gabriela Villarmarzo, at Fernandez at 567 Ave Hostos, San Juan,
5 Puerto Rico. Attached as Exhibit 3 is a true and correct copy of the White Pages.com search
6 results.

7 8. On March 15, 2008, I had Gabriel Tirado, resident of Carolina, Puerto Rico, verify
8 whether there is any business at 567 Ave Hostos. He confirmed it is a two-story residence.
9 Attached as Exhibit 4 is a true and correct copy of a photograph of the residence that Mr. Tirado
10 took and sent at my direction.

11 9. On March 14, 2008, I contacted the number (787.493.4997) listed on the printout
12 for a website notification report of SuccessFactors for Ely Valls and verified it is a disconnected
13 number. Since I could not locate the number using whitepages.com, I used
14 www.reversephonedetective.com. The report says the number is associated with someone in
15 Guaynabo, Puerto Rico. Attached as Exhibit 5 is a true and correct copy of
16 reversephonedetective.com search results. It is a different number than what is listed on
17 www.newmilleniumshoe.com.

18 10. I searched for registration information for www.newmilleniumshoe.com. It is
19 registered to Network Solutions. Since it appears there is no publicly available information,
20 SuccessFactors will need to issue a subpoena to Network Solutions to obtain the registration
21 information.

22 11. I understand that the name of Defendant's CEO is Dave Watkins. I looked up
23 Dave Watkins in Facebook at www.facebook.com/friends/?id=544365778 and found an online
24 profile showing that Ely Anne Valls is listed as one of his six "friends." Attached as Exhibit 6 is
25 a true and correct copy of the list of "Dave Watkins's Friends."

26 12. By letter dated March 19, 2008, I asked counsel of record for Softscape to
27 participate in a Rule 26(f) conference either this week or early next week to discuss a discovery
28 plan.

14. Although counsel has not provided a definitive response, based on our conversation and Softscape's opposition to expedited discovery, I do not believe defendant will voluntarily participate in the Rule 26(f) until the May 27, 2008 deadline, or close to it. This would stall initiation of discovery for two and a half months. SuccessFactors would not receive any documents or other information from Softscape until the end of June under the current schedule.

/s/ Patrick Premo

Patrick Premo

EXHIBIT 1 TO DECLARATION OF PATRICK E. PREMO

1 LAURENCE F. PULGRAM (CSB No. 115163)
lpulgram@fenwick.com
2 ALBERT L. SIEBER (CSB No. 233482)
asieber@fenwick.com
3 LIWEN A. MAH (CSB No. 239033)
lmah@fenwick.com
4 FENWICK & WEST LLP
555 California Street, 12th Floor
5 San Francisco, CA 94104
Telephone: (415) 875-2300
6 Facsimile: (415) 281-1350

7 PATRICK E. PREMO (CSB NO. 184915)
ppremo@fenwick.com
8 DENNIS M. FAIGAL (CSB NO. 252829)
dfaigal@fenwick.com
9 FENWICK & WEST LLP
Silicon Valley Center
10 801 California Street
Mountain View, CA 94041
11 Telephone: (650) 988-8500
Facsimile: (650) 938-5200
12

Attorneys for Plaintiff SUCCESSFACTORS, INC.

13
14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA
16 OAKLAND DIVISION
17

18 SUCCESSFACTORS, INC., a Delaware
corporation,

19 Plaintiff,

20 v.

21 SOFTSCAPE, INC., a Delaware
22 corporation; and DOES 1-10, inclusive,

23 Defendants.
24

Case No. CV 08 1376 CW

**AMENDED NOTICE OF DEPOSITION OF
DEFENDANT SOFTSCAPE, INC.
PURSUANT TO FEDERAL RULE OF CIVIL
PROCEDURE 30(b)(6)**

25 **TO DEFENDANT SOFTSCAPE, INC.:**

26 **PLEASE TAKE NOTICE THAT** pursuant to the Court's order granting Plaintiff

27 SuccessFactors, Inc.'s ("SuccessFactors") motion for expedited discovery and Rules 26 and

28 30(b)(6) of the Federal Rules of Civil Procedure, SuccessFactors, by and through its attorneys of

1 record, will take the deposition upon oral examination of Defendant Softscape, Inc. ("Softscape")
2 by and through the person(s) designated by Softscape to testify on its behalf regarding the topics
3 set forth in Exhibit A. The deposition will commence at 9:00 A.M. within five (5) days of the date
4 of production of documents, at Goodwin Procter LLP, Exchange Place, Boston, MA 02109-1000,
5 or at such other place as the parties may agree. The deposition will be taken before a notary public
6 or other officer authorized by law to administer oaths, and will be recorded by both stenographic
7 and videographic means. Provisions for real-time monitoring via LiveNote™ or similar facility
8 may also be used. Said deposition shall continue from day to day, weekends and holidays
9 excepted, until completed or adjourned by the attorney taking the deposition.

10 Pursuant to Rule 30(b)(6), Softscape is required to designate one or more of its officers,
11 directors, managing agents or other persons to testify on its behalf as to matters known or reasonably
12 available to Softscape concerning the subjects identified in Exhibit A hereto.

13 Dated: March 21, 2008

FENWICK & WEST LLP

14
15 By: _____

16 Patrick E. Premo
17 Attorneys for Plaintiff SUCCESSFACTORS, INC.
18
19
20
21
22
23
24
25
26
27
28

FENWICK & WEST LLP
ATTORNEYS AT LAW
SAN FRANCISCO

EXHIBIT A**DEFINITIONS**

1. The terms "YOU," "YOUR," "DEFENDANT," or "SOFTSCAPE" mean and include, collectively and/or individually, Softscape, Inc., and its parents, subsidiaries, affiliates, corporate divisions, predecessors or successor companies, if any, and its current and former officers, directors, employees, consultants, attorneys, authorized agents, sales representatives, distributors, dealers, direct and indirect contractors, and/or all other PERSONS acting or purporting to act on its behalf.

2. The terms "PLAINTIFF" or "SUCCESSFACTORS" mean and include, collectively and/or individually, SuccessFactors, Inc., and its parents, subsidiaries, affiliates, corporate divisions, predecessors or successor companies, if any, and its current and former officers, directors, employees, consultants, attorneys, authorized agents, sales representatives, distributors, dealers, direct and indirect contractors, and/or all other PERSONS acting or purporting to act on its behalf.

3. The terms "PERSON" or "PERSONS" shall include both natural persons, corporate or other business entities, and all other forms of legal entities, and shall include, but is not limited to, the following: corporations, partnerships, joint ventures, associations, business organizations, trade organizations, standards organizations, and sole proprietorships.

4. The terms "COMMUNICATION" or "COMMUNICATIONS" refer to any exchange of information by any means of transmission and the sending or receipt of information of any kind by or through any means, including but not limited to speech, writings, documents, language (machine, foreign or otherwise) of any kind, computer electronics or electronic data, sound, radio or video signals, telecommunications, telephone, teletype, facsimile, telegram, microfilm, microfiche, photographic film of all types or other media of any kind. The terms "COMMUNICATION" and "COMMUNICATIONS" also include, without limitation, all meetings, notices, requests, response, demands, complaints, press, publicity or trade releases, and postings on intranet or internet forums or websites (such as web pages and web logs or blogs).

5. "PRESENTATION" means the document shown as Exhibit 1 to the Declaration of Robert Bernshteyn in Support of Plaintiff's Motion for a Temporary Restraining Order and Order

1 to Show Cause re Preliminary Injunction, including all components, formats, versions, portions,
2 notes, and version data thereof.

3 6. SUCCESSFACTORS' TRADEMARKS means the name SUCCESSFACTORS
4 and the logos registered with the United States Patent and Trademark Office with Serial Numbers
5 78660874, 78946750, 78706535, and 77248286.

6 7. The term "CONCERNING" means pertaining to, mentioning, commenting,
7 describing, analyzing, dealing with, resulting from, constituting, including, comprising, consisting
8 of, containing, referring to, reflecting, discussing, showing, stating, explaining, contradicting,
9 providing context to, evidencing, concerning, or recording a particular subject in whole or in part,
10 either directly or indirectly, or being in any way logically or factually connected with the matter
11 discussed or identified.

12 8. The terms "or" and "and" shall be read in the conjunctive and in the disjunctive
13 wherever they appear, and neither of these words shall be interpreted to limit the scope of these
14 Requests.

15 9. The words "any," "all," and "each" shall be construed as "all and each."

16 10. The use of a verb in any tense shall be construed as the use of the verb in all other
17 tenses.

18 11. The singular form of any word shall be deemed to include the plural. The plural
19 form of any word shall be deemed to include the singular.

20 **30(b)(6) DEPOSITION TOPICS**

21 1. The genesis, creation, review, or revision of the PRESENTATION.

22 2. The identity of any actual, potential, or intended recipients of the
23 PRESENTATION or of any COMMUNICATIONS about the PRESENTATION.

24 3. COMMUNICATIONS of SOFTSCAPE with any person not employed by
25 SOFTSCAPE (other than its attorneys) CONCERNING the PRESENTATION.

26 4. COMMUNICATIONS among employees of SOFTSCAPE CONCERNING the
27 PRESENTATION.

28 ///

1 5. The user name "John Anonymous," associated e-mail address
2 "hcmknowledge2008a@gmail.com," and all COMMUNICATIONS from, with or CONCERNING
3 same.

4 6. Access from any SOFTSCAPE computer to SUCCESSFACTORS' password-
5 protected online demonstration environments, including but not limited to access via the user
6 name "ACE275," and any information obtained from such access.

7 7. Identity, use of, and access to or from any computer associated with IP addresses
8 68.236.68.19, 24.34.56.79, 98.216.168.122, or 82.108.171.66.

9 8. Relationship of Javier Cruz, Ely Valls, or New Millenium Shoe Corp. with
10 SOFTSCAPE or SUCCESSFACTORS and related COMMUNICATIONS.

11 9. SOFTSCAPE's procurement of images of, copying of, or use of
12 SUCCESSFACTORS' TRADEMARKS or PowerPoint template.

13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1282368

FENWICK & WEST LLP
ATTORNEYS AT LAW
SAN FRANCISCO

EXHIBIT 2 TO DECLARATION OF PATRICK E. PREMO

FENWICK & WEST LLP
ATTORNEYS AT LAW
SAN FRANCISCO

1 LAURENCE F. PULGRAM (CSB No. 115163)

lpulgram@fenwick.com

2 ALBERT L. SIEBER (CSB No. 233482)

asieber@fenwick.com

3 LIWEN A. MAH (CSB No. 239033)

lmah@fenwick.com

4 FENWICK & WEST LLP

555 California Street, 12th Floor

5 San Francisco, CA 94104

Telephone: (415) 875-2300

6 Facsimile: (415) 281-1350

7 PATRICK E. PREMO (CSB NO. 184915)

ppremo@fenwick.com

8 DENNIS M. FAIGAL (CSB NO. 252829)

dfaigal@fenwick.com

9 FENWICK & WEST LLP

Silicon Valley Center

10 801 California Street

Mountain View, CA 94041

11 Telephone: (650) 988-8500

12 Facsimile: (650) 938-5200

Attorneys for Plaintiff SUCCESSFACTORS, INC.

14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA
16 OAKLAND DIVISION
17

18 SUCCESSFACTORS, INC., a Delaware
19 corporation,

20 Plaintiff,

21 v.

22 SOFTSCAPE, INC., a Delaware
23 corporation,

24 Defendant.

Case No. CV 08-1376 CW

**PLAINTIFF'S AMENDED FIRST SET OF
REQUESTS FOR PRODUCTION OF
DOCUMENTS AND THINGS (Nos. 1 – 8)**

25 Pursuant to the Court's order granting SuccessFactors, Inc.'s ("SuccessFactors") motion
26 for expedited discovery and Rules 26 and 34 of the Federal Rules of Civil Procedure,
27 SuccessFactors requests that Defendant Softscape, Inc. ("Softscape") respond in writing to each
28 of the following Requests and produce the documents and things requested for inspection and

1 copying, in accordance with the definitions and instructions set forth below, at the offices of
 2 Fenwick & West LLP, 555 California Street, Suite 1200, San Francisco, California 94104, within
 3 five (5) days of service.

4 DEFINITIONS

5 1. The terms "YOU," "YOUR," "DEFENDANT," or "SOFTSCAPE" mean and
 6 include, collectively and/or individually, Softscape, Inc., and its parents, subsidiaries, affiliates,
 7 predecessors or successor companies, if any, and its current and former officers, directors,
 8 employees, consultants, attorneys, authorized agents, sales representatives, distributors, dealers,
 9 direct and indirect contractors, and/or all other PERSONS acting or purporting to act on its behalf.

10 2. The terms "PLAINTIFF" or "SUCCESSFACTORS" mean and include,
 11 collectively and/or individually, SuccessFactors, Inc., and its parents, subsidiaries, affiliates,
 12 corporate divisions, predecessors or successor companies, if any, and its current and former
 13 officers, directors, employees, consultants, attorneys, authorized agents, sales representatives,
 14 distributors, dealers, direct and indirect contractors, and/or all other PERSONS acting or
 15 purporting to act on its behalf.

16 3. The terms "PERSON" or "PERSONS" shall include both natural persons, corporate
 17 or other business entities, and all other forms of legal entities, and shall include, but is not limited
 18 to, the following: corporations, partnerships, joint ventures, associations, business organizations,
 19 trade organizations, standards organizations, and sole proprietorships.

20 4. The terms "DOCUMENT" or "DOCUMENTS" have the broadest meaning
 21 accorded that term by Fed. R. Civ. P. 34(a) and includes, but is not limited to, all of the items
 22 defined in Fed. R. Evid. 1001, and all preliminary and final drafts of any such item. The terms
 23 shall include, but not be limited to, all written, electronic, phonic, graphic, and recorded matter of
 24 every type and description and every tangible thing that is or has been in YOUR possession,
 25 custody, or control, to which YOU have access or of which YOU have knowledge.
 26 "DOCUMENT(S)" shall also include, but shall not be limited to, the following items, whether
 27 printed or recorded or reproduced by hand: agreements, contracts, leases, communications
 28 (including intra-company communications), electronic mail, data from Personal Digital Assistants

(including handheld computers, "smart phones," such as the palmOne™ Treo© and other similar devices and pagers), correspondence, postings on intranet or internet forums or websites (such as web pages and web logs or blogs), faxes, telegrams, cables, telexes, teletype messages, memoranda, records, books, diaries, notebooks calendars (paper, electronic and otherwise), telephone and other logs, telephone and other bills, voicemail and transcriptions thereof, recorded distributions, forecasts, statistical statements, accounts, invoices, purchase orders, receipts, billing records, tapes, expense vouchers, minutes, summaries and other records of meetings, conferences, negotiations, conversations, investigations and interviews, sales brochures and literature, advertisements, price lists, trade letters, press releases, stenographic, handwritten and any other notes, projections, working papers, checks (front and back), check stubs and receipts, models, surveys, devices, pictures, photographs, films, computer records, data compilations, and voice and video recordings. "DOCUMENT(S)" shall not be limited in any way as to the form of storage (such as paper, microfiche, magnetic tape, magnetic disk, CD-ROM, DVD, optical disk, flash memory drive, or other storage device). A draft or non-identical copy is a separate document within the meaning of this term.

5. The terms "COMMUNICATION" or "COMMUNICATIONS" refer to any exchange of information by any means of transmission and the sending or receipt of information of any kind by or through any means, including but not limited to speech, writings, documents, language (machine, foreign or otherwise) of any kind, computer electronics or electronic data, sound, radio or video signals, telecommunications, telephone, teletype, facsimile, telegram, microfilm, microfiche, photographic film of all types or other media of any kind. The terms "COMMUNICATION" and "COMMUNICATIONS" also include, without limitation, all meetings, notices, requests, response, demands, complaints, press, publicity or trade releases, and postings on intranet or internet forums or websites (such as web pages and web logs or blogs).

6. "PRESENTATION" means the document shown as Exhibit A to the Declaration of Robert Bernshteyn in Support of Plaintiff's TRO Application, including all components, formats, versions, portions, notes, and version data thereof.

///

7. SUCCESSFACTORS' TRADEMARKS means the name SUCCESSFACTORS and the logos registered with the United States Patent and Trademark Office with Serial Numbers 78660874, 78946750, 78706535, and 77248286.

8. The term "CONCERNING" means pertaining to, mentioning, commenting, describing, analyzing, dealing with, resulting from, constituting, including, comprising, consisting of, containing, referring to, reflecting, discussing, showing, stating, explaining, contradicting, providing context to, evidencing, concerning, or recording a particular subject in whole or in part, either directly or indirectly, or being in any way logically or factually connected with the matter discussed or identified.

9. The terms "or" and "and" shall be read in the conjunctive and in the disjunctive wherever they appear, and neither of these words shall be interpreted to limit the scope of these Requests.

10. The words "any," "all," and "each" shall be construed as "all and each."

11. The use of a verb in any tense shall be construed as the use of the verb in all other tenses.

12. The singular form of any word shall be deemed to include the plural. The plural form of any word shall be deemed to include the singular.

INSTRUCTIONS

1. In responding to the following requests, furnish all available DOCUMENTS, including documents in the possession, custody, or control of any of your attorneys, directors, officers, agents, employees, representatives, associates, investigators or division affiliates, partnerships, parents or subsidiaries, and persons under your control, not merely documents in your direct possession.

2. All DOCUMENTS shall be organized and produced pursuant to Rule 34(b) of the Federal Rules of Civil Procedure.

3. Electronic records and computerized information must be produced in an intelligible format, together with a description of the system from which they were derived sufficient to permit

///

1 rendering the records and information intelligible. Electronic information must be produced in
2 native format.

3 4. If YOU are unable to comply with a demand for any DOCUMENT in full, YOU are
4 requested to specify, pursuant to Federal Rule of Civil Procedure 34, whether YOUR inability to
5 comply is because the DOCUMENT has never existed, has been destroyed, has been lost,
6 misplaced or stolen, and/or has never been, or is no longer in YOUR possession, custody or control.
7 The statement shall set forth the name and address of any PERSON or organization known or
8 believed by YOU to have possession, custody, or control of the DOCUMENT.

9 5. If any information requested is claimed to be privileged, immune from discovery or
10 otherwise not discoverable, YOU are requested to provide all information falling within the scope
11 of the document request which is discoverable, and for each item of information contained in a
12 document to which a claim of privilege is made, YOU must identify such document in a privilege
13 and/or redaction log pursuant to Federal Rule of Civil Procedure 26(b)(5), such identification to
14 include at least the following:

- 15 (1) the basis on which the privilege is claimed;
- 16 (2) the names and positions of the author of the document and all other persons
17 participating in the preparation of the document;
- 18 (3) the name and position of each individual or other person to whom the
19 document, or a copy thereof, was sent or otherwise disclosed;
- 20 (4) where not apparent, the relationship of the author, writer, sender, initiator,
21 addressee or any other recipient with each other;
- 22 (5) the date of creation or transmittal indicated on each document, or an
23 estimate of that date, indicated as such, if no date appears on the document;
- 24 (6) a description of any accompanying material transmitted with or attached to
25 such document;
- 26 (7) the number of pages in such document;
- 27 (8) the particular document request to which such document is responsive; and

28 ///

(9) the general subject matter and whether any business or non-legal matter is contained or discussed in such document.

6. Each Request for DOCUMENTS seeks production of all DOCUMENTS described along with any attachments, drafts, and non-identical copies in any language whatsoever, in the possession, custody or control of YOU or YOUR respective agents or all available information, including such information as becomes available to YOU after YOUR answers hereto are served.

7. Unless otherwise specified, each Request for DOCUMENTS seeks production of all DOCUMENTS created or modified on or after January 1, 2007.

DOCUMENT REQUESTS

DOCUMENT REQUEST NO. 1:

ALL DOCUMENTS CONCERNING the genesis, creation, review, or revision of the PRESENTATION, including but not limited to any versions, edits, memoranda, notes, e-mails, embedded objects, file histories, or document management system logs.

DOCUMENT REQUEST NO. 2:

ALL DOCUMENTS CONCERNING the identity of potential, intended, or actual recipients of the PRESENTATION or of any COMMUNICATIONS about the PRESENTATION, including but not limited to lists of recipients or communications with employees, customers, or other third parties.

DOCUMENT REQUEST NO. 3:

ALL COMMUNICATIONS CONCERNING the PRESENTATION, including but not limited to COMMUNICATIONS between or involving SOFTSCAPE employees, its customers, or current or former SUCCESSFACTORS employees.

DOCUMENT REQUEST NO. 4:

ALL DOCUMENTS CONCERNING the user name "John Anonymous" or associated e-mail address "hcmknowledge2008a@gmail.com" to the extent that they mention the PRESENTATION or SOFTSCAPE, SUCCESSFACTORS, or their products, services, employees, business, or actual or prospective customers.

///

DOCUMENT REQUEST NO. 5:

ALL DOCUMENTS CONCERNING or showing access from any SOFTSCAPE computer to SUCCESSFACTORS' website, online customer community, or online demonstration environments, including but not limited to DOCUMENTS CONCERNING web browser history files, system logs, user names, password, user "ACE275," or any copy of a SUCCESSFACTOR webpage or its contents.

DOCUMENT REQUEST NO. 6:

A true and accurate bit-for-bit copy of the data storage media for any computer that was involved in the creation, modification, collection of information for, sharing, or e-mailing of the PRESENTATION.

DOCUMENT REQUEST NO. 7:

ALL DOCUMENTS CONCERNING the relationship of Javier Cruz, Ely Valls, or New Millenium Shoe Corp. with SOFTSCAPE or SUCCESSFACTORS, including but not limited to COMMUNICATIONS among any of them.

DOCUMENT REQUEST NO. 8:

ALL DOCUMENTS CONCERNING SOFTSCAPE's procurement, copying, or use of SUCCESSFACTORS' TRADEMARKS or PowerPoint templates.

Dated: March 21, 2008

FENWICK & WEST LLP

By: _____

Patrick E. Premo

Attorneys for Plaintiff SUCCESSFACTORS, INC.

1282370

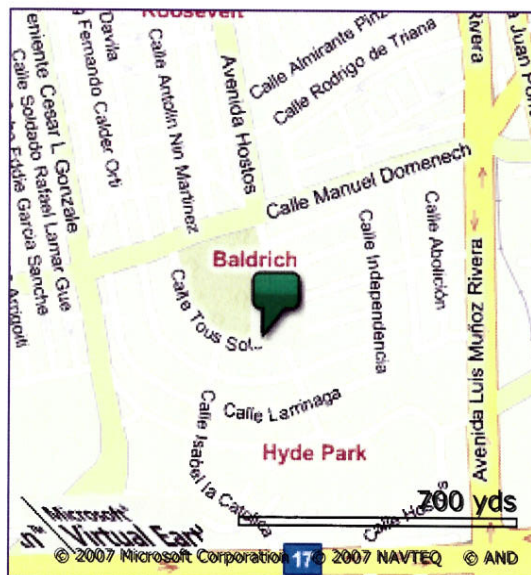
EXHIBIT 3 TO DECLARATION OF PATRICK E. PREMO

1 Result matching "(787) 767-1766"

**Gabriela Villarmarzo
Fernandez**

567 Ave Hostos
San Juan, PR 00918

(787) 767-1766



Listing date Nov. 2007

Copyright © 1996-2008 WhitePages.com. All rights reserved.
[Privacy Policy](#), [Legal Notice](#) and [Terms](#) under which this service is provided to you.

EXHIBIT 4 TO DECLARATION OF PATRICK E. PREMO



EXHIBIT 5 TO DECLARATION OF PATRICK E. PREMO



Search Successful! Results For (787) 493-4997

Number:	(787) 493-4997	Search Date:	03/21/2008	Search Time:	1:43 PM
City:	Guaynabo	State:	PR	Full Phone Report:	Available

Full Phone Report may include up-to-date information for:

- Owner name and address
- Phone location
- Household members
- Phone company and carrier
- Line type - landline or mobile
- And much more

Click "Continue" below to instantly access your Full Phone Report for (787) 493-4997:



You may also view a [sample report](#) or [search again](#).

[Home](#) | [Frequently Asked Questions](#) | [Login](#) | [Register](#)

© ReversePhoneDetective.com - [About](#) - [Privacy](#) - [Terms](#)

EXHIBIT 6 TO DECLARATION OF PATRICK E. PREMO

Profile edit **Friends** **Networks** **Inbox**[home](#) [account](#) [privacy](#) [logout](#)**Search****Applications**[edit](#)[Photos](#)[Video](#)[Groups](#)[Events](#)[Marketplace](#)[more](#)**Now you can control your privacy using friend lists**[Close](#)

Friend lists let you group your friends into convenient lists for use all around Facebook. Now, you can use friend lists to control who can see your photos, profile info, and more. Check out the new [Privacy](#) page for more information.

**Dave Watkins's Friends**[Dave's Profile](#) | [Send a Message](#) | [Poke](#)[Search Friends](#)[Status Updates](#) [Recently Updated](#) [Everyone](#) [More...](#)

Dave has 6 friends.

**Alexander Bartfeld****Chris Chan**Boston, MA
BU Alum '97**Larry Israelite**

Boston, MA

**Ely Merheb****Sean Tamami****Ely Anne Valls**San Juan, PR
BU Alum '01

Facebook © 2008

[Advertisers](#) [Businesses](#) [Developers](#) [About Facebook](#) [Terms](#) [Privacy](#) [Help](#)